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JHB/PC/24364

6th January 1984

Dear Jack,

European Patent Application No. 82 300 637.4
Your Case: 28243 (PM 1035) - Our File: 24364

Following our discussion on 6th December and telephone conversation on 20th December, I have made a careful study of the Imperial application and, more particularly, the specification of the earliest British priority application 80 41009, and have now filed a response and amendment in the EPO, providing a separate set of claims for Belgium, France and the United Kingdom.

My studies convince me that the embodiment of Figs. 1, 3, 7 and 8 of GB 2 090 117 was adequately described in UK application 80 41009 of 22nd December 1980 and that the broad claim would be invalid in Belgium, France and the U.K. Further, I have obtained local advice that it would be best to file a restricted claim for Belgium and France, and I advise that the same goes for this country despite the relative ease of amendment after grant.

Accordingly, I have prepared a second set of claims for your approval, which are distinguished from the earlier Imperial disclosure in that the intermediate sheet does not overlap the tobacco rod, which latter is an omnipresent feature in the original Imperial disclosure. I hope I can persuade the EPO to accept such a negative distinction, which is somewhat broader than either claim 4 or 6 of our own application as it stands at present.

I enclose a copy of the response and amendment filed in reply to the outstanding official action. Since the voluntary provision of separate claims is not in reply to the action, the claims need not be filed at once and there is thus time for you to raise any further question with me before I proceed to file them. However, I would like to put the separate claims in as soon as possible, so that any further action on the main case should be able to deal with the separate claims as well, if necessary.

I enclose our debit note for dealing with the official action and preparing the separate claims for your approval.

Yours sincerely,

J.H. BASS

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